

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TOREY MOWATT,

Plaintiff,

-against-

MEMORANDUM & ORDER
20-CV-3890 (JS) (AKT)

COUNTY OF NASSAU, JOHN DOES 1-10,
JANE DOES 1-10, all whose true names
are unknown,

Defendants.

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APPEARANCES

For Plaintiff: Torey Mowatt, pro se
37 Wilson Avenue
Deer Park, New York 11729

For Defendants: No appearances.

SEYBERT, District Judge:

Pursuant to the Court's January 8, 2021 Order (see ECF No. 13), Torey Mowatt ("Plaintiff"), acting pro se, has timely filed an Amended Complaint against the County of Nassau ("the County") and several unidentified individuals alleged to work at the Nassau County Correctional Center ("John/Jane Does" and collectively, "Defendants"). Upon review of said filing, the Court ORDERS SERVICE of the Amended Complaint by the United States Marshals Service ("USMS") in accordance with 28 U.S.C. § 1915(d). However, the USMS will not be able to effect service of the Summonses and the Amended Complaint on the unnamed Defendants

without more information. The Second Circuit has held that district courts must provide pro se litigants with reasonable assistance in investigating the identity of such "John Doe" defendants. See Valentin v. Dinkins, 121 F.3d 72, 75-76 (2d Cir. 1997).

Accordingly, IT IS HEREBY ORDERED that:

- (1) The Clerk of the Court serve a copy of the Amended Complaint, together with this Order, on the Nassau County Attorney;
- (2) The Nassau County Attorney (a) attempt to ascertain the full names of the unidentified Defendants, who are alleged to be employed by Nassau County and/or to work at the Nassau County Correctional Center and to have interacted with Plaintiff on or about May 23, 2020, May 28, 2020, and July 2 or 3, 2020, as described in the Amended Complaint; and (b) within thirty (30) days of the date that this Order is served upon her, provide the Court and Plaintiff with the names and addresses where these unidentified Defendants can be served; and
- (3) Once the information described in paragraph (2), above, is provided to the Court by the Nassau County Attorney's Office:

- (i) Plaintiff's Amended Complaint shall be deemed amended to reflect the full names of the John/Jane Doe Defendants; and
- (ii) Summonses shall be issued as to all Defendants, and the USMS shall serve them.

NOTE: The Nassau County Attorney need not undertake to defend or indemnify the John/Jane Doe Defendants at this juncture. This Order merely provides a means by which Plaintiff may properly name and serve said Defendants as instructed by the Second Circuit in Valentin.

Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is DENIED for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of the Court is directed to mail a copy of this Order to the pro se Plaintiff at his address of record and to the Nassau County Attorney.

SO ORDERED.

/s/ JOANNA SEYBERT
JOANNA SEYBERT, U.S.D.J.

Dated: February 12, 2021
Central Islip, New York